

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JANUARY 2, 2007- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:45 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(07-002) Mayor Johnson announced that Resolution Joining the Statewide Community Infrastructure Program [paragraph no. 07-008] would be continued to the January 16, 2007 Council Meeting.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Vice Mayor Tam moved approval of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*07-003) Minutes of the Regular City Council Meeting held on December 19, 2006. Approved.

(\*07-004) Ratified bills in the amount of \$7,343,361.35.

(\*07-005) Recommendation to approve an Amendment to the City Manager Employment Agreement to extend the Agreement for an additional year. Accepted.

(\*07-006) Resolution No. 14052, "Approving Revised Memorandum of Understanding Between the Management and Confidential Employees Association and the City of Alameda for the Period Commencing January 1, 2005 and Ending December 20, 2008." Adopted.

(\*07-007) Resolution No. 14053, "Approving Revised Part-Time Classification Salary Schedule Effective January 1, 2007." Adopted.

(07-008) Resolution Joining the Statewide Community Infrastructure

Program and Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Special Assessment Proceedings and Levy Assessments within the Territory of the City of Alameda and Authorizing Related Actions. **Continued to January 16, 2007.**

(\*07-009) Ordinance No. 2956, "Amending Ordinance Nos. 2559, 2681, 2835, 2844, 2857, and 2896 and Approving and Adopting the Sixth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project." Finally passed.

#### REGULAR AGENDA ITEMS

(07-010) Public Hearing to consider an Appeal of Use Permit, 06-0016, allowing operation of a health studio at 2215B South Shore Center; and

(07-010A) Resolution No. 14054, "Upholding the Planning Board's Approval of use Permit UP06-0016, Allowing the Operation of a Health Studio at 2215B South Short Center." Adopted.

The Planning and Building Director gave a brief presentation.

Mayor Johnson inquired whether the Appellant was satisfied with the square footage restriction, to which the Planning and Building Director responded in the affirmative.

Councilmember Matarrese inquired about the basis for restricting the square footage.

The Planning and Building Director responded there was concern with the facility expanding beyond 25 exercise machines and becoming larger; stated said concerns were alleviated by adding the condition to restrict square footage to the Use Permit.

Councilmember Matarrese inquired whether the City was legally permitted to do so, to which the Planning and Building Director responded in the affirmative.

Mayor Johnson inquired whether the Applicant was okay with the square footage restriction, to which the Planning and Building Director responded in the affirmative.

Councilmember deHaan inquired whether the proposed facility is located at the second level of the Trader Joe's building, to which the Planning and Building Director responded the proposed facility is located on the ground floor facing the courtyard area.

Councilmember deHaan inquired whether office space is still available on the second level, to which the Planning and Building Director responded in the affirmative.

Councilmember Matarrese moved adoption of resolution.

Councilmember deHaan inquired whether said motion included customer and employee restrictions, to which Councilmember Matarrese responded in the affirmative, as recommended.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(07-011) Public Hearing to consider an Appeal for Major Design Review, 06-0081, for Building 300 at 2245 South Shore Center; and Major Design Review, 06-0096, for Building 500 at 2246 South Shore Center. Appellant: Harsh Investment Properties; and

(07-011A) Resolution No. 14055, "Upholding the Appeal by Harsch Investment Realty for Major Design Review, DR06-0081, Building 300, Located at 2245 South Shore Center." Adopted; and

(07-011B) Resolution No. 14056, "Upholding the Appeal by Harsch Investment Realty for Major Design Review, DR06-0096, Building 500, Located at 2246 South Shore Center." Adopted.

The Planning and Building Director provided a brief Power Point presentation.

Councilmember Gilmore requested an explanation of the overlay showing the added square footage.

The Planner III stated the overlay is for the Building 400 and 500 area; the blue, crossed-hatched square building is the former Velvet Grill building; proposals are to demolish the building and push the area down for connection to the existing Petco building; Building 400 would become an appendage to Building 500 and is a little over 100 square feet less than the existing two buildings; Building 300 is the same footprint approved by Planned Development and Design Review in 2003; the difference is that the front portion has a second story and has increased by approximately 4,600 square feet.

Councilmember Gilmore inquired whether the net square footage gain is a little less than 7,100 square feet compared to what was approved in 2003.

The Planner III responded 7,100 square feet represents everything approved or pending.

Councilmember Gilmore inquired whether the amount includes Target, to which the Planner III responded in the negative.

Vice Mayor Tam inquired whether the net reduction between Building 400 and Building 500 is 112 square feet, to which the Planner III responded in the affirmative.

Vice Mayor Tam stated the Applicant made several design changes in response to requests made at the November 13 and December 11, 2006 Planning Board meetings; requested clarification on whether the Planning Board members were satisfied with changes.

Mayor Johnson noted there were five Planning Board members at the meetings.

The Planning and Building Director stated the November and December meetings were not fully attended.

Mayor Johnson inquired whether five members were in attendance, to which the Planning and Building Director responded in the affirmative.

Councilmember Matarrese inquired whether the same five Board Members were at each meeting, to which the Planning and Building Director responded in the negative.

Vice Mayor Tam inquired whether the five Board Members requesting the changes were not the same members who voted on the issue, to which the Planning and Building Director responded in the affirmative.

The Planner III stated concerns were raised about the height of Building 300; the Applicant redesigned Building 300 to lower the height; concerns were that Building 500 was plain and did not have some of the architectural details of the other renovated buildings; the Applicant added murals along the center courtyard as well as additional windows, trellises and landscaping; the changes were well accepted by the Planning Board; one of the Planning Board members who voted against the project in November voted for the project in December.

Mayor Johnson opened the public portion of the hearing.

Opponents (Not in favor of appeal): Dorothy Reid, Alameda; Tim Erway, Alameda; Holly Sellers, Alameda; Jon Spangler, Alameda.

There being no further speakers, Mayor Johnson closed the public

portion of the hearing.

Following Ms. Sellers' comments, Mayor Johnson inquired whether the Planning Board's vote was three in favor, one abstention and one opposition and was not a denial of the design review, to which the Planning and Building Director responded in the affirmative.

Councilmember deHaan inquired whether the proposed Borders would share the same loading dock as Safeway.

The Planning and Building Director responded in the negative; stated the proposed Borders would share a loading dock with the other stores facing the pedestrian mall.

Councilmember deHaan stated he has heard continuing concerns regarding Safeway's loading dock; Safeway is operating an on-line delivery service also; there is no access for staging the vans and vendor off-loading; a letter was sent to Safeway to resolve the issue; he does not see how a letter would resolve the issue; a design change is necessary; there is an opportunity to look at Building 300 and change the design; the tower was initially 52 feet and was dropped to 48 feet and then to 36 feet; inquired whether the tower would be used for any mechanical support of the building.

The Planning and Building Director responded the tower would have a café.

Councilmember deHaan inquired whether the tower had an elevator shaft, to which the Planner III responded the tower is decorative.

The Architect stated a lot of visual elements have been added to create architectural variety; stated the tower is only architectural.

Councilmember deHaan inquired what is the height for the Bed Bath and Beyond facades, to which the Architect responded approximately 25 to 27 feet.

Councilmember deHaan stated a number of Planned Development Amendment (PDA) concerns were raised in 2003 regarding conditions of additional entitlements; inquired whether the issues raised by Ann Cook, Planning Board Member, were presented in 2003 when the original entitlements were approved; stated issues addressed the east/west sidewalk situation, transit stops, landscaping, shoreline area, parking, restroom and gas station.

The Planning and Building Director responded said issues were discussed in 2003.

Councilmember deHaan inquired whether any action was taken on the items.

The Planning and Building Director responded a number of issues have been addressed; stated all conditions of approval have been addressed with Harsh Investment.

Councilmember deHaan stated transit stops and pedestrian concerns have been expressed.

Councilmember Matarrese requested that staff relate any pertinent information on the referenced seven points; inquired how the items are connected.

The Planner III responded the AC Transit route was shifted to Franciscan Way from Whitehall Place on the south side of the shopping center in 2003; one requirement was to move the route back to Whitehall Place; new bus stops were reviewed by AC Transit, Public Works, and Planning and have been constructed; the main difference was that the western half of Mervyns was going to be demolished and turned into a parking lot in 2003; the current proposal does not include demolition of half of Mervyns; staff is working with the Applicant, AC Transit and Bike Alameda on bus stop design and bike locker amenities; said changes are at the opposite end of the shopping center; changes are being proposed for the eastern end; the new designs will address comments received in response to the PDA as well as construction, such as widening the turning radius for buses to get onto Whitehall Place from Park Street, and widening Whitehall Place to allow for bicycle lanes and buses; Building 300 and Building 500 would not interfere with said improvements; bus pull-outs were discussed in 2003, as well as having buses pull up to the curb.

Councilmember deHaan inquired whether the process is on going.

The Planner III responded in the affirmative; stated the east/west sidewalk would go behind the buildings in front onto Otis Drive and connect the new Walgreen's down to the other end of the center and was a condition of approval in 2003; the Applicant encountered a number of feasibility issues from an engineering standpoint in 2003; the Applicant met with the Public Works and Planning Departments; the Acting Planning Director reviewed the issue of narrowing the vehicles lanes; vehicle circulation would not work; the turning radius would not be sufficient and would interfere with traffic; storm drain issues would be created if the road was realigned; the Applicant provided an alternative plan which included additional north/south sidewalks to connect the buildings

on Otis Drive to the rest of the shopping center; the Acting Planning Director determined that the plan was appropriate and administratively approved the plan; the public, Transportation Commission, and Planning Board want an east/west sidewalk; staff will go back to the Planning Board in the next few weeks with a plan to show what is feasible.

Councilmember Gilmore stated she was on the Planning Board in 2003; the project was conditioned nine ways to Sunday; hours were spent discussing pedestrian access; the Planning Board made it very clear that there should be a sidewalk from Office Max along the back side of the business; technical reasons may have prohibited said sidewalk; an administrative decision was made but never came back to the Planning Board; the Planning Board feels that conditions do not matter if the conditions are changed without coming back to the Planning Board; parking lot trees were extensively discussed; the conditions of approval state that Eucalyptus trees are prohibited; the landscaping plans show Eucalyptus trees; she feels very uneasy in allowing the Applicant to go ahead with plans based upon Council conditioning said plans after what has occurred.

The Planner III acknowledged that the Acting Planning Director's administrative decision should go back to the Planning Board; stated landscaping is an on-going process; staff is working with the Applicant to determine what is or is not approved under the current PDA; Eucalyptus trees were denied when the new Walgreen's was built; the Shoreline area gets overlooked in the new PDA application because of Target; the Shoreline area redesign is part of the application which would remove the car wash and Big 5 and includes more restaurants, public plazas, and public art.

Mayor Johnson inquired what is the timeframe for the redesign of the area.

The Planner III responded a final Environmental Impact Report (EIR) would be presented in a couple of months; stated design workshops are scheduled with the Planning Board; a hearing would be scheduled shortly thereafter.

Mayor Johnson inquired whether the eventual removal of Big 5 and the car wash would be included.

The Planner III responded a removal is planned but he is not sure whether the Applicant could respond because of lease issues; stated very few Shoreline area comments have been received; the current parking standard is four spaces per thousand square feet; the Applicant has indicated the ratio would be maintained; staff will finalize the site plan that addresses adding sidewalks and bike

lanes; he knows nothing about installing a second public restroom as discussed in 2003; the gas station was a controversial item in 2003; many supporters submitted a petition; there is a requirement to find a site for a gas station; Safeway has submitted an application for the current US Bank site; the City just released a Mitigated Negative Declaration and the matter would be heard in the next couple of months.

Councilmember Gilmore inquired what about the development phases for Buildings 300, 400 and 500.

The Planner III responded Building 300 is in a different phase than Buildings 400 and 500; stated Building 300 was specifically approved in 2003; Buildings 400 and 500 are in unapproved phases.

Councilmember Matarrese inquired whether any conditions tied to the approval of the buildings' design have not been met, to which the Planner III responded not specifically.

Councilmember Matarrese inquired whether any conditions have not been met generally, to the Planner III responded he is not aware of any.

Councilmember Gilmore inquired about the east/west walkway.

The Planner III responded the east/west walkway is to be constructed within a certain phase; the City accepted the Applicant's alternative; the Applicant feels that they have complied with the condition; an enforceable condition could exist if the Planning Board determines the administrative approval was an in error; the sidewalk is being reviewed.

Councilmember deHaan stated not too many projects move forward without looking at the entire project; anchor tenants were identified in past projects; he is concerned with talking about overall project elements while making incremental approvals; the project has been done in good taste and is a great project; questioned when the project would be reviewed as a whole.

Mayor Johnson stated the big issue is the east/west sidewalk; the Applicant should not be punished because the former Acting Planning Director administratively altered the condition; a lot of work is still to be done at the Towne Center; the Shoreline and Otis Drive waterfront parcels are not within the area owned by Harsch Investments; the Planning Board and community were distressed that the Towne Center had a fifteen-year improvement plan back in 2003; it was unfortunate that there were only five Planning Board members present at the November meeting and a different five in December;



she is very confident that all of the 2003 Planning Board conditions will be met and adhered to in the future.

Councilmember Gilmore inquired when an overall shopping center design would be presented to the Planning Board.

Randy Kyte, Harsch Investment, responded the design theme is complete; stated some buildings are yet to be designed; the Mervyns lease is up in 2008; building upgrades would be a condition for renewal; entry configurations and tower elements are not known at this point; the Planning Board did not deny the application; Harsch did not feel the same group of people reviewed the responses; the project's urgency is what has driven the need to get major tenants lined up for approval; no Eucalyptus trees have been planted; the east/west sidewalk condition called for ten-foot drive lanes and a four-foot sidewalk; said configurations would require cars to turn out of drive isles in a less than sufficient turning radius and prompted the north/south orientation of multiple sidewalks; a commitment has been made to revisit the issue; a review is being done to see what portions of the sidewalk can be installed now and what portions cannot; Building 300 and Building 500 design review is what is being requested this evening.

Mayor Johnson inquired why there is a time issue.

Mr. Kyte responded the timing issue has to do with the leases; stated the leases are for a very specific timeframe; construction should have started three or four weeks ago to hit one of the opening periods in the fall; schedules have been reviewed to see if extra shifts could be worked; there are time limitations; approval is imperative in order not to push the stores into 2008 at which time tenants would have a right to walk away.

Councilmember deHaan inquired whether the Planning Board offered to have a special meeting to make sure all members were in attendance, to which Mr. Kyte responded not in his presence.

Councilmember deHaan stated that he understood that the Planning Board was willing to meet before Christmas.

The Planner III stated the Planning Board realized the special meeting would not be feasible.

Councilmember deHaan inquired whether plans could have been presented at the Planning Board meeting next week, to which the Planner III responded that option was not chosen.

Councilmember Matarrese inquired whether any of the conditions

approved in 2003 have not been met but must be met before the buildings designs are approved, to which the Planning and Building Director responded in the negative.

Councilmember Matarrese inquired whether the proposed project violates any conditions of phase completion.

The Planning and Building Director responded the east/west sidewalk is the key condition.

Councilmember Matarrese inquired whether anything prevents Council from approving the designs of the buildings while withholding the occupancy permits until the issue is resolved with the Planning Board.

In response to Councilmember Matarrese's inquiry, Mr. Kyte requested clarification on what issue needs to be resolved.

Councilmember Matarrese stated an east/west pedestrian way was to be constructed by Phase 2-B.

Mr. Kyte stated the condition was modified; compliance is with a north/south sidewalk in lieu of the east/west sidewalk; the installation of the east/west sidewalk would be easy to accept if the developer had control of all the properties; the developer is working with staff to figure out how to accommodate the sidewalk; the issue is being addressed under the current PDA.

Mayor Johnson inquired whether the north/south sidewalks are intended to be in place of the east/west sidewalks.

Mr. Kyte responded in the affirmative; stated the developer thought that the requirement was met.

Councilmember Matarrese stated a condition was placed on phasing; someone made an administrative decision on a condition that was put in place by the Planning Board.

The Planning and Building Director stated one of the resolutions requires that the administratively changed condition go back to the Planning Board for a proper hearing to see what is feasible now

Councilmember Matarrese inquired whether the action could be taken at the next Planning Board meeting.

The Planning and Building Director responded a month might be needed to go through the engineering and feasibility and for the developer to talk with the property owners to gain support for an

east/west sidewalk.

Councilmember deHaan inquired whether there is a way to fix the Safeway loading dock; stated the design is improper; the dock is the staging area for the on-line service.

The Planning and Building Director responded staff can work with the developer on the issue; Code Enforcement staff may need to get involved.

Councilmember deHaan stated Code Enforcement would not help the situation; the design needs to be different.

Mr. Kyte stated lease provisions can be invoked; Safeway is in breach of the lease; the loading area was designed for the on-line business with roll up doors and adequate room for pull out but is not being used correctly; the sidewalk would be continuous when the Center is designed and Borders is pulled out to the same façade as Safeway; a small section for loading dock access would provide a better level of control.

Councilmember deHaan stated Safeway has not changed any operation as of 4:00 p.m. today.

Mr. Kyte stated the developer has the right to have Safeway cease the operation.

Councilmember Matarrese stated the designs have matured; a number of comments have been worked into the current design of the buildings; he is concerned with the lack of organization to make sure commitments and conditions are met.

Councilmember Matarrese moved approval of designs for Building 300 and 500 and adoption of resolutions amending the condition on occupancy to require that the east/west sidewalk issue go back to the Planning Board for public hearing and deliberation to appropriately resolve the matter.

Vice Mayor Tam seconded the motion.

Under discussion, Mayor Johnson inquired whether Eucalyptus trees could be taken off the illustrative site plan.

Councilmember deHaan stated something is lost when design is taken out the process; he would not vote for approval.

Councilmember Gilmore stated the Applicant stated the shopping center design is pretty much set in stone; the tweaks that happen

along the way are dependent upon the particular tenants and how the tenants use the building; Mervyns' design would be known as the project progresses and would need to go through design review.

Councilmember deHaan stated the whole picture needs to be reviewed and understood; the matter should be sent back to the Planning Board; a precedent is being set when a timeline cannot be met; the developer has known the tenants for over two years.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Gilmore, Matarrese, Tam, and Mayor Johnson - 4. Noes: Councilmember deHaan - 1.

Councilmember Matarrese stated that he shares some of Councilmember deHaan's concerns; he would like the Planning Board and staff to go back and formalize the conditions of the project and do a measurement; the conditions are misaligned because of an administrative call; the administrative call is going back to the Planning Board; the Planning Board should make sure nothing else is buried that would cause further misalignment; each phase and building would have design review.

The Planning and Building Director stated a spreadsheet is almost complete which shows if and when the condition has been met.

Councilmember Matarrese inquired when the results would go to the Planning Board, to which the Planning and Building Director responded if not the coming meeting, the next.

Vice Mayor Tam stated the Design Review did not need to go to the Planning Board and could have been approved at the staff level; staff decided to bring the matter to the Planning Board because to heighten community input; inquired whether every building Design Review would go to the Planning Board.

The Planning and Building Director responded in the negative; stated high public interest projects would go to the Planning Board; staff approves Design Review everyday.

Vice Mayor Tam stated she underscores Councilmember Matarrese's issue of trying to make sure there is some reconciliation between what staff approves at the administrative level and the conditions that the Planning Board sets forth.

Councilmember Gilmore stated that she shares Councilmember deHaan's concern about setting a precedent and potentially doing an end run around the Planning Board; however, the Applicant came before the Planning Board on two separate occasions; it is not the Applicant's

fault that the same set of Planning Board members did not vote on the issue; the City needs to be user friendly for both a big development company and a homeowner; Council would have a different reaction if a homeowner was unable to get a decision from the Planning Board; big picture issues need to be balanced; she does not want anyone to think that an attempt to do an end run around the Planning Board is the normal course of business; the Applicant has no choice other than to have the matter heard.

Councilmember Matarrese inquired whether the 3-1-1 vote was not a majority and was de facto denial and therefore able to be appealed, to which the City Attorney responded in the affirmative.

Councilmember Matarrese stated the issue is not an end run around the Planning Board; precedents are not being set; the process is working as designed to work.

Councilmember deHaan stated "end run" might not be the correct word to use; the Planning Board offered the option to hear the issue again; the vote might have been different and come to Council anyway.

Mayor Johnson stated the remedy for the process available to the Applicant is either to accept the denial or appeal; the matter would not go back to the Planning Board again because a decision was made on a de facto basis; inquired whether the next process would be to have the Applicant come to Council if the Applicant does not agree with the de facto finding, to which the Planning and Building Director responded in the affirmative.

(07-012) Recommendation to appropriate Capital Improvement Project funds in the amount of \$1,094,293 and request Proposals to program the Carnegie Library Building for use as the City of Alameda One-Stop Permit Center.

The Planning and Building Director provided a brief presentation.

Councilmember Gilmore inquired what the work product would be for the allocation.

The Planning and Building Director responded the funds are set aside to date for the entire project by the Planning and Building Department; staff would like to appropriate the funds into an account for a feasibility study; the first step would be to solicit proposals from qualified consulting teams; the award of Contract for design services would come back to Council; construction document costs are unknown; she anticipates approximately \$75,000 to \$100,000 for a study; the mechanical, plumbing and electrical

systems need to be analyzed; space planning is needed.

Councilmember Gilmore inquired whether the \$1 million plus is not just for the feasibility study but is for all other things that could lead up to the Planning and Building Department and other permit entities moving into the building, to which the Planning and Building Director responded in the affirmative.

Councilmember Matarrese inquired why Council needs to appropriate over \$1 million now.

The Planning and Building Director responded the money would go into an account for the study and future improvements.

Councilmember Matarrese inquired whether said improvements would not be approved by Council.

The Planning and Building Director responded in the negative; stated expenditure approval would need to come back to Council.

Councilmember Matarrese inquired why Council needs to appropriate over \$1 million to do approximately \$200,000 worth of work.

The City Manager responded staff is requesting that the money be placed in the Capital Improvement Fund project; stated any expenditures would come back to Council for approval; the first expenditure would be the study; staff is recommending to set aside money for the One-Stop Permit Center into an account, recognizing the Carnegie Building would be considered.

Mayor Johnson inquired whether the intent is to earmark the money for the project until some other decision is made.

The City Manager responded the intent is to take the money identified for the One-Stop Permit Center and put the money in a Capital project.

Mayor Johnson inquired whether the money would be released if Council does not want the money going to the One-Stop Permit Center.

The City Manager responded the money would be restricted for expenditures related to the One-Stop Permit Center; the money would be maintained as a Capital account for a One-Stop Permit Center and analyze other alternative opportunities if the Carnegie Building is not feasible.

Councilmember deHaan inquired how the money is identified in the

budget.

The City Manager responded the Finance Department has the money set aside and identified for a Capital project related to the Planning Department; stated the money is coming out of the General Fund.

Councilmember deHaan inquired whether the budget was approved with the project in mind.

The City Manager responded the Carnegie Building was not identified as a funded Capital project.

Councilmember Matarrese stated public discussions have not taken place on what the fate of the Carnegie Building should be; questioned allocating over \$1 million when the first feasibility study has not been done; suggested allocating \$75,000 for a feasibility study to see if using the Carnegie Building would be possible.

Mayor Johnson inquired whether the funds are in the budget for a Planning Department capital improvement and not necessarily for a One-Stop Permit Center.

The Planning and Building Director responded the funds have been collected for a One-top Permit Center.

Mayor Johnson inquired how the funds have been collected.

The City Manager responded the funds have been collected from permit fees and have to be spent on staff or capital projects related to the Planning Department; anything in excess of what is spent on operations has to be put aside.

Councilmember Matarrese stated he hears complaints about the permit process taking too long, not about going from office to office; inquired whether the money could be spent on hiring a few more planners.

The City Manager responded a report would be provided on where the money has been collected from over the years and how the money can be spent.

Councilmember Matarrese inquired whether the money could be spent on staff and/or facilities.

The City Manager responded revenues collected for the permit fees can be spent on staffing and anything above that amount needs to be set aside for something related to the Planning Department.

Councilmember Matarrese inquired whether spending the money on staff is not restricted by law or by Council vote.

Mayor Johnson stated information on the question would be provided to Council; she has no problem on where the money comes from; the One-Stop Permit Center has support because the permit process is difficult for the public; the One-Stop Permit Center would be a benefit to homeowners and small property owners; she feels that the Carnegie Building should be a public building; other potential uses should be considered; the Museum has noted an interest but does not have the money; City uses should also be considered; it is a shame to have the building empty after the City spent \$4 million in improvements several years ago; inquired whether the matter was urgent.

The City Manager responded the timeframe would be to complete the analysis; Council could appropriate less money to get through the study.

Councilmember deHaan stated opportunities were discussed regarding the relocation of City Hall West and efforts to centralize operations a couple of years ago; it is well know that One-Stop Permit Centers work in municipalities; location is concerning; it would be worthwhile to put some money to look at the feasibility of using the Carnegie Building for some other purpose, if not the One-Stop Permit Center; two tasks can be accomplished by seeing what the facility can handle and seeing if the One-Stop Permit Center should be at the Carnegie Building; the ultimate goal should be to centralize operations and look at the opportunity to downsize City Hall West.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of feasibility study): Christopher Buckley, Alameda Architectural Preservation Society (AAPS); Jon Spangler, Alameda; Ross Dileo; Alameda.

Opponents (Not in favor of feasibility study): None.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson stated the public has been excluded from the building for eight years; many people have not been in the building; the One-Stop Permit Center would bring a lot of people into the building; the former Central Avenue Post Office building is now a medical building; the building sat vacant for approximately ten



years and now has a change in use; the Old County Health Center is back in public use; the process should move forward.

Councilmember deHaan stated everyone is saying that it is time to get the community involved in understanding the opportunities to use the Carnegie Building and reviewing the feasibility of what has to be done to bring the building up to the necessary working level; the Planning Department would be a great asset in making the determination.

Councilmember deHaan moved approval of allocating \$90,000 for a feasibility study to see how a One-Stop Permit Center would work and to determine what needs to be done to complete the necessary improvements.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

The City Manager stated the process would be initiated; staff would come back to Council for approval if funds are not sufficient.

Vice Mayor Tam stated the Americans with Disabilities Act access is important and should be part of the feasibility analysis.

Councilmember deHaan concurred with Vice Mayor Tam; stated a process needs to be established on how to engage the public.

Councilmember Matarrese stated the public needs to be asked about the Carnegie Building use and one-stop permitting details.

Councilmember deHaan requested that a community input process be established to consider other possible uses of the building and to determine what type of individuals to involve and to establish a timetable.

The Planning and Building Director stated proposals would be solicited; a Contract would be brought back to Council for approval; a detailed, public outreach process would be provided.

(07-013) Ordinance No. 2957, "Approving Master Plan Amendment MPA-06-001 Substituting Office, Retail, Health Club, Residential and/or Mixed Uses for Approximately 77 Acres of Previously Entitled Office/Research and Development Uses." Finally passed;

(07-013A) Ordinance No. 2958, "Approving Development Agreement Amendment DA-06-0002 to the Development Agreement By and Between the City of Alameda and Catellus Development Corporation, Dated June 6, 2000, as Amended." Finally passed;

(07-013B) Final Passage of Ordinance Approving Development Agreement DA-06-0003 By and Between the City of Alameda and Palmtree Acquisition Corporation (Successor by Merger to Catellus Development Corporation) Governing the Development of Up To 400,000 Square Feet of Office Space; a 20,000 Square Foot Health Club; and 300,000 Square Feet of Retail Space or 50,000 Square Feet of Retail Space and 370,000 Square Feet of Research and Development Space. **Continued to January 16, 2007; and**

(07-013C) Ordinance No. 2959, "Approving Development Agreement DA-06-004 By and Between the City of Alameda and the Palmtree Acquisition Corporation Governing the Development of Up To 300 Housing Units." Finally passed.

Councilmember Gilmore stated she has questions regarding the TDM Program and the funding limits in the DDA; inquired whether the TDM Program cap would not be reviewed again.

The Base Reuse and Community Development Manager responded the TDM Program funding is in the commercial Development Agreement (DA), Section 3.12 on page 20; stated the project build-out cap is \$425,000 per year with an annual Consumer Price Index (CPI) escalator; an amendment to the DDA allowed the cap to be increased in the event Tinker Avenue was declared infeasible; Tinker Avenue alternatives could be explored for up to three years and the cap could be adjusted to take into account the time to bring the alternative on line; money would be pledged to augment the TDM Program in the event the alternative was declared infeasible.

Councilmember Gilmore inquired whether mechanisms are not in place for changing the cap other than the annual CIP if Tinker Avenue extension is completed, to which the Base Reuse and Community Development Manager responded in the affirmative.

Councilmember Matarrese stated the water shuttle and other activities, including managing the program, comes out of the TDM Program; concerns were raised that there is no mechanism for getting more money if there is unanticipated success and the criteria established in the program were not met.

The Base Reuse and Community Development Manager stated discussion and direction addressed expanding the Master Plan conditions of approval by adding some goals for the TDM Program; the goals have been added; there was not a commensurate discussion of criteria to evaluate success in meeting the goals and what might be done in the event the goals are not achieved pursuant to the TDM Program and whether or not lack of achievement of the goals was a function of the funding being capped at the \$425,000; the discussion can be

entertained this evening.

Councilmember Matarrese stated traffic is the biggest issue; the retail mix had a good, methodical means of review; good measures and standards are set on the retail side; inquired whether there is a way to evaluate traffic management and transportation demands after progress is made on the project build-out; further inquired whether an unmet need could be met due to the over performance of the project.

The Base Reuse and Community Development Manager responded the project requirements already state that Catellus has to submit a detailed TDM Program plan for the overall project when the first phase development plan is presented; the plan must be in place at either the 150th residential unit or the first 100,000 square feet of office development; Catellus could come back with a set of criteria for evaluating the success of the TDM; the criteria would be worked out with the Transportation Commission and Planning Board; the formulated criteria would be used five years down the road to determine whether the project is performing well or is performing below the Performa and whether the TDM Program budget should be bumped up in the event that the TDM Program is under performing due to lack of funds.

Vice Mayor Tam inquired how the \$425,000 cap was determined and whether there was a way to look at restructuring opportunities to tie key performance measures to specific expenditures and remove the language so that it does not sound like a cap.

The Base Reuse and Community Development Manager stated the \$425,000 commitment was a negotiated amount between the City and the developer; Exhibit D of the DA is the Master Plan Conditions of Approval; Condition #11 is a thorough outline of the TDM Program components and more specifically the first phase of the TDM program; the developer and staff knew what the TDM Program would look like in general and what the first phase TDM program would look like more specifically; the developer had a TDM program consultant; the \$425,000 is a general figure because the precise components of the TDM Program would come back to the Transportation Commission and Planning Board as part of the first development plan; the DA vests the developer's planning rights over the long term; there is a desire to have an understanding of what the developer's annual commitment would be to the TDM program, whether capped or whether there are provisions based on criteria to modify the cap; the TDM Program affects only one of the ordinances this evening; the other three ordinances could be adopted tonight and become effective in thirty days; staff would come back in two weeks with revised language to amend the ordinance dealing with the DA.

Vice Mayor Tam stated that she does not see a corresponding mitigation measure associated with a traffic impact that is tied to a dollar amount.

The Base Reuse and Community Development Manager stated the TDM Program is one of the requirements of the Mitigation Monitoring Reporting Program (MMRP); stated the MMRP acknowledges the dollar amount; the components of the TDM Program are listed in general terms in the Conditions of Approval; the budget is listed with a cap; the criteria for measuring the success is the one piece that does not exist currently; the goals are known and programs are in place to meet the goals.

Vice Mayor Tam inquired how staff knows that \$425,000 would achieve the goals.

The Base Reuse and Community Development Manager responded flexible opportunities exist to modify the budget; stated there are provisions if the water taxi does not work; the water taxi can be de-funded and the money can be reallocated; it is uncertain whether the \$425,000 will achieve all of the goals.

Councilmember deHaan stated the Transportation Element was meant to precede the development element for the Alameda Point project; inquired how the language differs and whether language should be married.

The Base Reuse and Community Development Manager responded the language is meant to be consistent with the day-one concept; the Phase One TDM Program components have to be in place when there is a certificate of occupancy on the first 100,000 square feet of office space.

Councilmember deHaan inquired whether the TDM Program has been in place very long.

The Base Reuse and Community Development Manager responded the City has a TDM Program ordinance; stated a shuttle service runs out of the Harbor Bay Business Park; Grand Marina is coming to the Planning Board in a couple of weeks and will be required to participate in the TDM Program; Alameda Landing would feed the West End TDM Program; upcoming developments would pay into the program; funds would grow and Alameda Point would sign on to the West End TDM Program.

Councilmember deHaan stated a shuttle service in Alameda is desirable; inquired how a shuttle service would be available on day

one or within a reasonable timeframe and have the funding to do so.

The Supervising Planner responded the DA requires that shuttle services run to BART in thirty minute headways on day one; the project would need to be subsidize beyond the money coming in from the tenant; buses are going to be running when Clif Bar goes in; a system needs to be up and running as soon as possible; every West End project needs to contribute to the fund.

Councilmember deHaan stated internal loop systems have been discussed; the system would be enhanced as individual developments come on line; inquired whether there was enough money for day one operations.

The Supervising Planner responded in the affirmative; stated the current agreement states that shuttles would run on thirty minute headways to Oakland BART; the TDM Program was not tied to a specific number of trips removed from the tubes; the program has the flexibility to make changes.

Councilmember deHaan inquired whether there is latitude to measure the program and fund the program at a higher level if necessary.

The Supervising Planner responded the conditions have an annual reporting requirement; the DA requires that the project provide up to \$425,000 per year in annual operating and management expenses for the program upon full build-out; the characteristics of the program can be adjusted from year to year; an annual survey is required; the program can be augmented by setting up performance criteria; any development partner would want certainty; a specified formula or percentage is needed to ensure that the developer knows what they are signing up for.

Councilmember deHaan stated the City needs to know what they are signing up for also; support would be needed from individual developments; hopefully, Alameda Point will be on line at some point; transportation concerns need to be addressed; inquired whether measuring triggering devices can be done.

The Base Reuse and Community Development Manager responded in the affirmative; stated Council could direct that the DA be amended to include criteria for measuring the success of the TDM Program, and that the criteria should be developed with the Transportation Commission and the Planning Board and brought back as the overall TDM Program approval as part of the Phase One development; the TDM Program budget could be bumped in the event the project does not measure up to the success criteria in five years time and the project is performing better than the Performa.

Mayor Johnson opened the public portion of the hearing.

Jon Spangler, Alameda, stated the Transportation Commission is working on developing standards for evaluating and creating TDM Program plans; he hopes that the TDM Program is a limited necessity in terms of public policy; the water shuttle is the most expensive part of getting the TDM Program underway for Alameda Landing; the water shuttle should not depend solely on transportation funding.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember deHaan requested further clarification on Tinker Avenue extension; stated a three-tier process is written into the agreement.

Mayor Johnson inquired whether the agreement would come back to Council before Options 2 and 3 are considered.

The Base Reuse and Community Development Manager responded in the affirmative; stated the developer is 100% responsible for funding and constructing Tinker Avenue extension; several things could happen that would preclude Tinker Avenue from happening; one would be securing the required permit from CalTrans; continued progress is being made with CalTrans; the City needs to acquire land from the Peralta Community College District; staff is meeting with the District regarding the desire to acquire the right-of-way; the DDA provides an opportunity to toll the declaration of infeasibility for ninety days while being considered by the Council if the City or Catellus are not successful in negotiating an acquisition from the District; the developer's obligation is triggered to explore an alternative to Tinker Avenue if Tinker Avenue is declared infeasible; the DDA provides that the TDM Program budget can be adjusted such that there is an augmentation to the TDM Program activity during the feasibility period for the alternative; a Tinker Avenue payment would go to augment the TDM Program over the long term if the CEQA process is determined to be infeasible.

Councilmember deHaan inquired whether the Tinker Avenue element would be close to a \$21 million to build-out.

The Base Reuse and Community Development Manager responded \$21 million is the approximate Tinker Avenue cost with soft and hard costs and contingencies.

Councilmember deHaan inquired whether funding would be required at a later point and whether the funding stream could be devoted to

other alternatives.

The Base Reuse and Community Development Manager responded the Tinker Avenue alternative budget is \$20 million minus the STIP grant, which is \$16 million minus whatever is spent getting to Tinker Avenue feasibility or infeasibility; the payment has a formula in the TDM Program in the event that the alternative is infeasible.

Mayor Johnson inquired whether there are any updates on Clif Bar.

Mr. Marshall, Catellus Executive Vice President, responded all systems are go; stated Clif Bar is anticipated to move in late summer of 2008.

The Base Reuse and Community Development Manager stated Catellus has submitted a very ambitious work schedule for Planning Board approval.

Mayor Johnson stated she likes the project with Clif Bar because of the reuse of the historic waterfront structure.

Councilmember Gilmore inquired whether Clif Bar signed the lease.

Mr. Marshall responded in the negative; stated a 100% binding lease would not be signed for a couple of months.

Councilmember deHaan inquired whether cost estimates are available for the proposed maintenance district.

The Base Reuse and Community Development Manager responded approvals require that a Municipal Services District (MSD) be established for the entire project; the public portions of the wharf would be covered under the MSD; the private portions would be maintained by either Catellus or the tenants; staff would be returning to Council with a request to approve the Contract for the overall project in a couple of months.

Councilmember deHaan stated that he likes the adaptive reuse of the wharf; the reuse comes with an ongoing cost.

The Base Reuse and Community Development Manager stated the City would be responsible for the maintenance and upkeep of the entire wharf under the existing DDA; the amount of public ownership has been reduced; a portion of the wharf would be privately owned and maintained.

Mayor Johnson inquired whether the private portion of the dock

would be maintained by the developer and whether the MSD would be paid for by the project and would not be a burden of the City or residents, to which the Base Reuse and Community Development Manager responded in the affirmative.

Councilmember deHaan stated a commitment has been made to reutilize some of the buildings even if Clif Bar is not a tenant; inquired whether there is a market for the buildings.

The Base Reuse and Community Development Manager responded that Clif Bar is the identified tenant for the adaptive reuse; Catellus could continue the demolition of the warehouses if Clif Bar went away and there were not a replacement tenant; currently, Catellus is not going in said direction but is looking at preserving more warehouses.

Councilmember Matarrese stated that he would like to see some ensurance if the project performs better than expected; a trigger point needs to be established for getting additional funding if \$425,000 is not enough; he would like to see some type of trigger point that shows an evaluation would be done against the agreed upon criteria after a defined period of time that allows additional money to be allocated up to a certain percentage for the TDM Program if the project is performing better than the Performa.

The Supervising Planner stated the commercial development agreement could be brought back to Council in two weeks with Councilmember Matarrese's suggestion.

The Base Reuse and Community Development Manager stated it is important for the motion to have as much specificity tonight for the purpose of having the ordinance adopted in two weeks.

Mr. Marshall inquired whether Councilmember Matarrese was making a connection between the project being more successful than anticipated and some additional burden on the TDM Program or whether the thoughts were independent.

Councilmember Matarrese stated the connection is that there will be more traffic if the project is wildly successful.

Mr. Marshall stated the challenging aspect is how to measure the TDM Program; a cap was established to understand the financial impact to the developer; an escalator is in the drafted document which is not insignificant; the developer seems to be hit twice with a percentage increase and an escalator; suggested that the escalator be deferred until the adjustment is made; additional language would need to be added to the underwriting to explain the



added burden.

Councilmember Gilmore stated the City would not ask the developer to pay an additional amount if the project does not do well; milestones would need to be hit.

Mr. Marshall stated a more palatable outcome for the developer would be not having both the escalator and percentage increase.

Councilmember Gilmore stated the increase would not kick in for five years, if at all.

Mr. Marshall stated possibly the escalator could kick back in if the increase does not happen; he does not want to end up doing both.

Councilmember deHaan inquired whether the developer would prefer a higher cap.

Mr. Marshall stated the reality is that some loose concepts are being navigated.

Councilmember deHaan stated Council is trying to give staff and the developer an opportunity to craft something.

Mayor Johnson inquired whether the water taxi cost is part of the TDM Program.

The Base Reuse and Community Development Manager responded in the affirmative; stated the cost is capped at \$125,000.

Mayor Johnson inquired whether the water taxi would operate for one year and then the whole TDM Program would be reviewed for success.

The Base Reuse and Community Development Manager responded in the affirmative; stated a decision can be administratively made by the TDM Program Executive Director to reallocate monies among the other components, if not feasible.

Mayor Johnson inquired who would be the TDM Program Executive Director, to which the Base Reuse and Community Development Manager responded the staff person hired to run the TDM Program.

Mayor Johnson inquired whether changes would come before Council.

The Base Reuse and Community Development Manager responded everything is structured to go to the Planning Board; stated an amendment could be made if there is a desire to come to Council;

currently, certain things can be changed by the TDM Program staff; annual reports would go to the Planning Board and the Transportation Commission for evaluation, feedback, and comment.

Mayor Johnson stated Council might want the opportunity to have changes come to Council; the Planning Board is not a specialist in transportation; Council may want to have some input on readjusting dollars and determining how dollars are spent; inquired whether there would be a commitment in the agreement with Clif Bar regarding the water taxi.

Mr. Marshall responded the water taxi service is part of the negotiations with Clif Bar.

Mayor Johnson stated a problem might arise if the water taxi is not doing well, but an obligation exists with Clif Bar.

The Base Reuse and Community Development Manager stated the day-one requirement stipulates that the water taxi feasibility study be completed and that the water taxi be instituted when deemed feasible and be in operation for one year.

Mayor Johnson stated she was referring to the developer's agreement with Clif Bar.

Mr. Marshall stated the developer is required to provide the water taxi service during the period of establishing retail outlets.

Mayor Johnson stated the water taxi costs would come out of the TDM Program the first year; the developer and Clif Bar would have a separate commitment if there was a determination that the water taxi was not an effective use of the TDM Program money.

The Base Reuse and Community Development Manager stated the developer has to comply with the DDA requirements in the Master Plan conditions; the developer will operate the water taxi for one year at minimum; the money can be reprogrammed if the TDM Program staff determines that the water taxi is not feasible and effective; Catellus could not veto the decision.

Vice Mayor Tam inquired whether scheduling would be impacted if the ordinances for DA-06-0002 and DA-06-0004 are finally passed and DA-06-0003 was postponed for two weeks in order for staff and the Transportation Commission to address questions raised.

The Supervising Planner stated the amendment needs to be crafted now in order to come back in two weeks; there is no time to go to the Transportation Commission; the criteria used to evaluate the

program would be drafted as part of the TDM Program and would be reviewed by the Transportation Commission.

Vice Mayor Tam inquired whether all three development agreements need to be acted upon tonight; noted that she would abstain.

The Base Reuse and Community Development Manager responded the ordinances that are not being amended can be acted upon this evening; the ordinance for DA-06-003 can be addressed in two weeks and works with Catellus' schedule.

Councilmember Matarrese moved approval of final passage for MPA-06-001, DA-06-0002, and DA-06-0004.

Councilmember Gilmore seconded the motion, which carried by the following voice vote: Ayes: Councilmember deHaan, Gilmore, Matarrese, and Mayor Johnson - 4. Abstentions: Vice Mayor Tam - 1.

Councilmember Matarrese stated it is important to have the opportunity to augment the TDM Program because traffic is the biggest issue; the ordinance should be amended to state that the TDM Program would be measured by criteria established by the Planning Board and Transportation Commission; the timeframe would be after operating five years; the augmentation would not exceed 15% and would be contingent on financial performance exceeding the Performa.

Mayor Johnson inquired whether the percentage would be linked to the percentage exceeding the Performa.

Councilmember Matarrese responded the percentage would be linked to the percentage of the TDM Program budget in place at the time.

Vice Mayor Tam inquired whether the 15% would be in addition to the CPI escalator.

Councilmember Matarrese responded whatever the amount is at that time, stepped up over five years.

Councilmember deHaan stated 15% over the escalated number is not much.

Mayor Johnson inquired whether the \$425,000 would be reached in year five.

The Base Reuse and Community Development Manager responded most likely not; stated five years is about half way through the project.

Mayor Johnson inquired whether there is a way to accelerate getting to the \$425,000.

Mr. Marshall responded the acceleration would need to be introduced as the project proceeds with the TDM Program; stated the right outcome would be to not accelerate to \$425,000 in advance of the project build-out level; some portions of the project might not come online for some time; five years from now the CPI inflator is going to be a significant component; inquired whether Council was suggesting to increase the \$425,000 by CPI and also add another 15%.

Mayor Johnson responded Council is trying to put something into the deal to help accomplish the goals.

The Supervising Planner stated the 15% augmentation is for a shorter period of time.

Mr. Marshall stated \$13 million would be contributed to the TDM Program over a thirty-year time span based upon the \$425,000 per year uninflated cost.

Councilmember deHaan stated the Harbor Bay development had a requirement to subsidize the ferry service at \$100,000; the City has put a lot of money back into the project; hopefully, everything will be successful; the measuring device is the real concern; the day-one concept should not be lost.

Councilmember Matarrese stated one alternative to accelerate getting to the \$425,000 is to go with the CPI in year five if criteria are not met and the project is successful; it would make sense in year five because Alameda Point may be closer to being developed and becoming a contribution; the delta between year five and ten becomes more important than waiting x number of years to get to the \$425,000.

Councilmember deHaan stated transportation problems need to be mitigated.

Mayor Johnson stated options should be listed regardless if an option is not preferred so that staff can bring back the ordinance.

The Base Reuse and Community Development Manager stated one suggested option was a 15% increase on where the budget stands at year five; the 15% is on a pro rata basis and is a slight variation of a straight up 15% and would work better for the City financially.

Councilmember deHaan stated public transportation options would be available if the project becomes all-successful.

Vice Mayor Tam stated she has concerns with terms such as "being wildly successful"; transportation plans are tied to some type of trip generation or mitigation measure; inquired whether there is some way to project the development eventually have the option of spreading the impact to other development projects.

The Supervising Planner responded no commitments are made in the environmental documents.

Vice Mayor Tam stated her issue is nexus; linkage needs to be established between what is required of the development project and what is attributable.

The Base Reuse and Community Development Manager stated a legal nexus is not required as long as there is a contractual agreement that has been negotiated; the criteria of performance that exceeds the Performa would be more precise when staff comes back in two weeks.

Mr. Marshall stated the harder part would be to define the performance standard to the TDM Program.

Councilmember deHaan inquired about the measurement criteria.

The Base Reuse and Community Development Manager responded the DA would reference the fact that the evaluation criteria would be developed by the Transportation Commission and Planning Board as part of the approval of the TDM Program that would be presented as part of the first development plan.

Vice Mayor Tam moved approval of postponing the final passage for DA 06-0003 with direction to staff to develop alternatives on modifying the development agreement to reflect discussions regarding tying the TDM Program measures to some performance objectives in terms of the pace in which the development proceeds.

Mayor Johnson stated three options would come back to Council; requested that the TDM Program Coordinator make a recommendation to Council each year on the TDM Program and budget.

Councilmember Matarrese requested Vice Mayor Tam to confirm that the motion is to amend DA-06-0003 to include three options to increase the TDM Program at year five; said agreement would come back in two weeks; the TDM Program coordinator would make a

recommendation on the budget and allocation of funds to Council.

Vice Mayor Tam responded in the affirmative; thanked Councilmember Matarrese for the clarification.

Councilmember deHaan inquired whether the measurement-triggering device would be included.

The Base Reuse and Community Development Manager responded language would come back that states that the evaluation criteria would be developed by the Transportation Commission and Planning Board and would not be part of the DA that comes back to Council in two weeks.

On the call for the question, Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL COMMUNICATIONS

(07-014) Councilmember deHaan requested that the Police Department look at the activity occurring across the Fruitvale Bridge; stated campers are moving into the direct access to Alameda.

Mayor Johnson stated the Alameda Police Department has worked on the issue with Oakland in the past; the matter needs to be revisited.

(07-015) Vice Mayor Tam stated she would like the City to reflect that condolences were extended to Councilmember Gilmore in the passing of her father-in-law, Carter Gilmore; Mr. Gilmore has been an icon for civil rights in the Oakland area.

(07-016) Councilmember deHaan requested that the meeting be adjourned in a moment of silence for former President Gerald Ford and Carter Gilmore.

#### ADJOURNMENT

(07-017) Mayor Johnson adjourned the Regular Meeting in recognition of the national day of mourning for the passing of former President Gerald Ford and in recognition of Councilmember Gilmore's father-in-law's passing; stated Carter Gilmore recently had a park named after him; the park naming was a recognition of his service in Oakland which affected the Bay Area region; noted Mr. Gilmore was

also the first African American Councilmember on the Oakland City Council; extended condolences to the entire Gilmore family; adjourned the meeting in a moment of silence for the loss of former President Gerald Ford and Carter Gilmore.

Respectfully submitted,

Lana Stoker  
Acting City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JANUARY 2, 2007- -6:45 p.m.

Mayor Johnson convened the Special Meeting at 6:55 p.m.

Roll Call - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-001) Conference with Labor Negotiators - Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Alameda City Employees Association, Management and Confidential Employees Association and Police Association Non-Sworn.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that Council received a briefing from its Labor Negotiators regarding the status of negotiations with employee organizations; no action was taken.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lana Stoker  
Acting City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.